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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,064	01/10/2006	Salvatore Daidone	284222US0PCT	3939
22850 7590 12/18/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TOUSSAINT, DALILA	
			ART UNIT	PAPER NUMBER
			1794	
			NOTIFICATION DATE	DELIVERY MODE
			12/18/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/564,064	<b>Applicant(s)</b> DAIDONE, SALVATORE	
	<b>Examiner</b> DALILA TOUSSAINT	<b>Art Unit</b> 4152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>January 10, 2006</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 5-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 10, 2008.
2. Applicant's election with traverse of nonelected invention claims 5-7 in the reply filed on November 10, 2008 is acknowledged. The traversal is on the ground(s) that the Examiner has grouped the present claims into a product and a process of making said product, and has not met the burden in supporting the lack of a special technical feature. This is not found persuasive because the inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the common technical feature in all groups is the water soluble salt table comprising between 97.5% and 98.8 5 of NaCl, iodine, K ions, Ca ions, and Mg ions (page 2, ¶ 0028) having dehydrated granules of particles size distribution between 0.8 mm and 1.10 mm. This element cannot be a special technical feature under PCT Rule 13.2 because the element is shown in prior art. US Patent Publication US2004/0047976 A1 teaches the process of making water soluble salt tablets with the comprising composition and granule size and further indicates this feature as salt noodles (page 2, ¶ 0033).

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In claim 3 the term “the same” is indefinite because it is not clear to what is being referred to. It is suggested that --said salt tablet-- be used.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 and 3-4** are rejected under 35 U.S.C. 102(b) as being anticipated by **Narayan et al. WIPO publication 02/13631 A1**.

- a. Referring to claim 1, Narayan et al. teaches:

- (1) A water-soluble salt tablet (page 8, line 18) comprising:  
between 20 to 99.9% by weight of NaCl, iodine, K ions, Ca  
ions, and Mg ions being present as the chlorides and/or

sulphates thereof (page 4, line 18-24 and page 2, line 9-18), wherein said tablets are formed from dehydrated granules having a particles size range from 500 microns to 5,000 microns (page 7, line 28) and wherein the Mg ions are present in an amount between 0 to 10% by weight of soluble chloride or sulphate salt of magnesium (page 6, line 9-10).

Based on Narayan et al. disclosure the Mg ions would be present about 0% and 2.5% by weight on a dry basis, as calculated based on the weight of the salts.

b. Referring to claim 3, Narayan et al. teaches a predetermined weight as shown by the disclosure on page 4, lines 18-27.

c. Referring to claim 4, Narayan et al. teaches:

(2) The water-soluble salt tablet as claimed in claim 2, wherein said salt is a natural integral sea salt for food use (page 1, line 10 and 13).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Narayan et al. WIPO publication 02/13631 A1**, and further referenced by **R. Aquaron, ["Iodine content of non iodized salts and iodized salts obtained from the retail markets worldwide ", 8th World salt symposium, vol. 2, pages 935-940].**

a. Referring to claim 2, Narayan et al. teaches:

(1) The water-soluble salt tablet according to claim 1,  
comprising:

Wherein, K ions are present between 0.1 to 80% by weight potassium chloride and Ca ions between 0 to 10% by weight of water soluble chloride or sulphate salt of calcium (page 3, line 21-23).

Narayan et al. also disclose the use of iodine in its embodiment (page 3, line 9-11) and that it meets the statutory requirement level of iodine in salt. However, Narayan et al. fails to explicitly disclose the composition of iodine between 0.00053% and 0.0012% in its embodiment.

The reference by R. Aquaron discloses that the iodine content in salt water varies with various locations. Since the claim does not include any particular location and based on the knowledge that sea salt contains trace amounts of iodine as shown in the disclosure of R. Aquaron and the mandatory iodine level in salt is met by Narayan et al. (Narayan et al.; page 3, line 10), the amount of iodine claimed would have been obvious as a result effective variable based on geographical location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DALILA TOUSSAINT whose telephone number is (571)270-7088. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Del Sole can be reached on (571)272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/C. SAYALA/  
Primary Examiner, Art Unit 1794**

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